

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

**A. GENERAL INFORMATION**

1. Date

02/22/2017

2. Department

Consumer Affairs

3. Organizational Placement (Division/Branch/Office Name)

Division of Legislative and Regulatory Review

4. CEA Position Title

Assistant Deputy Director

5. Summary of proposed position description and how it relates to the program's mission or purpose. (2-3 sentences)

The CEA will serve as the Assistant Deputy Director of the Division of Legislative and Regulatory Review (Division) and is responsible for providing day-to-day managerial oversight of the Division, as well as legislative and regulatory policy oversight and development related to the 40 Boards, Bureaus, Commissions, and Committees under the purview of the Department of Consumer Affairs (DCA). The CEA is also a key member of the DCA Executive Management team and is involved in major decision-making and planning related to the above areas.

6. Reports to: (Class Title/Level)

Deputy Director, Division of Legislative and Regulatory Review

7. Relationship with Department Director (Select one)

- Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain):

8. Organizational Level (Select one)

- 1st
- 2nd
- 3rd
- 4th
- 5th (mega departments only - 17,001+ allocated positions)

## B. SUMMARY OF REQUEST

### 9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

The CEA will serve as the Assistant Deputy Director over the DCA Division of Legislative and Regulatory Review. The CEA will be responsible for assisting the Deputy Director in the development, management, and dissemination of the DCA legislative and regulatory policy, as well as provide day-to-day managerial oversight of the Division. The CEA is also a key member of the DCA Executive Management team and is involved in all major decision-making and planning related to DCA legislative and regulatory policy.

The CEA will provide direct supervision to staff, including Staff Services Managers, Associate Governmental Program Analysts, Staff Service Analysts, Research Analysts, and a Special Assistant. The CEA will be responsible for project planning and organizing the day-to-day work of the Division, ensuring division milestones are met. The CEA, under the direction of the Deputy Director, also serves as the assistant administrator and manager of the Division's approximate \$1,714,000.00 budget.

The DCA currently oversees 40 licensing programs that issue more than two million licenses, registrations, and certifications in more than 100 businesses and 200 professional categories, including, but not limited to: doctors, dentists, contractors, cosmetologists, and smog-check technicians. Qualifications for licensure are established by statute and clarified in regulation. As such, the CEA assists in overseeing the DCA's legislative and regulatory activities and in this capacity, assists programs with regulation planning and drafting. This position plays a significant role in shaping DCA's legislative and regulatory policy, by recommending modification of proposed policy for consistency with other DCA programs and policies, identifying the need for new policy, and assisting the Deputy Director in negotiating departmental issues with legislative staff, industry representatives, board members, and interested members of the public.

The CEA communicates departmental policy positions to various boards and programs within the DCA on behalf of the Director; such communication may be in written form or involve in-person presentations at public board meetings throughout the State. The CEA also makes presentations to individual legislators, their staff, and legislative committees regarding the DCA's position as requested by the Director, Chief Deputy Director, and Deputy Director.

The CEA will also serve as advisor to the Director, Chief Deputy Director, and Deputy Directors in matters related to the DCA's legislative and regulatory policy and processes. The CEA coordinates with the Deputy Director in the development of consumer-oriented legislation and legislation affecting the DCA's boards and bureaus in conjunction with the California Business, Consumer Services and Housing Agency (Agency). The CEA supports the Deputy Director in policy review of all regulations proposed by the boards, bureaus, committees, and programs of the DCA and provides advice and consultation to the Deputy Director in accordance with Business and Professions Code Section 313.1.

The CEA will prepare reports and respond to inquiries from interested parties, including members of the Legislature, other governmental agencies, and the general public regarding the activities of the Division.

**B. SUMMARY OF REQUEST (continued)**

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- Program is directly related to department's primary mission and is critical to achieving the department's goals.
- Program is indirectly related to department's primary mission.
- Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: Consistent with the Department's mission of consumer protection, the Division has a responsibility to consumers, local government, state agencies, and other stakeholders to assist programs in developing strong regulatory structures, particularly as it relates to licensing and enforcement activities. The CEA will be one of the primary liaisons between the DCA and the programs in communicating legislative and regulatory policies. The CEA, as a member of the DCA Executive Management Team, will also consult and act as an advisor to the DCA Director, Chief Deputy Director, and Deputy Directors to ensure programs meet specific requirements regarding legislative and regulatory policy in a manner consistent with consumer protection and ensuring the health and safety of the public.

**B. SUMMARY OF REQUEST (continued)**

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

The DCA continues to need a dedicated position with the technical skill and expertise to provide sound policy guidance and oversight in an increasingly complex legislative and regulatory environment as the DCA continues to grow. The purpose of this request is to seek approval to convert the current DCA Assistant Deputy Director (Exempt) position to a DCA Assistant Deputy Director (CEA A) position. The conversion from an Exempt to CEA position will ensure more continuity in the position and sustained management and oversight across different administrations, while maintaining flexibility for DCA Executive Management as an "at will" appointment. In addition, the CEA classification is anticipated to produce a larger and more experienced candidate pool compared to other classification levels. This request does not include any change in organizational structure, reporting relationships, or duties and responsibilities. The CEA will continue to report to the Deputy Director, Division of Legislative and Regulatory Review, and perform the same duties as the existing Assistant Deputy Director (Exempt) position.

## C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

As an active member of DCA's management team, the CEA position has a major role in the development, implementation, and evaluation of the DCA's policies and program direction pertaining to the DCA's overall mission, including responsibility to evaluate, advise, and provide assistance to the Director and Deputy Director on:

### LEGISLATIVE ANALYSIS AND ADVOCACY

The Division identifies and analyzes legislation that affects the DCA licensing and administration functions as well as general consumer interests. The CEA will work with stakeholders and legislative staff to ensure accurate and informative analysis is provided. If the DCA receives an approved position from the Governor, the Division prepares position letters, and the Deputy Director or the CEA may provide testimony at a committee hearing.

### REGULATORY PROPOSAL ANALYSIS

The CEA will assist in the review of regulations submitted to the Office of Administrative Law (Office) by the DCA's licensing programs. For the DCA's Boards, the CEA may assist in the review of the submitted regulation for the Director and make a policy recommendation; for the DCA's bureau regulations, the CEA will oversee review of the proposal prior to its submission to the Office and make recommend changes and a position to the Director.

### LEGISLATIVE REPORTS

Since the DCA represents consumer interests, the Deputy Director or the CEA would be tasked with researching and making recommendations on important policy problems posed by the Legislature and Governor. It is the Division's role to research and prepare any policy reports in these cases. An example is the Division's report on behalf of the DCA regarding the applicability of military experience among its various licensing programs. The Division prepares testimony for the Director and reports to the Legislature submitted under the Directorate signature. The Division also prepares a yearly legislative digest of all bills analyzed that impact the DCA, its licensing programs, or consumers.

### ASSIST BOARDS AND BUREAUS

The Division serves as the DCA's first point of contact for programs on policy-related issues. There are numerous situations in which the Division assists programs including: appointee confirmation, bill proposal review, sunset review assistance, and resolution of various policy issues. This role is most critical for the bureaus as they cannot represent themselves to the Legislature without approval from the DCA, although many of the boards take advantage of the Division's expertise on policy issues as well. The type of assistance can be anything from regulation planning and drafting, to bill proposal framing, to assistance in a meeting of stakeholders on a policy issue.

The CEA will be responsible for assisting the Deputy Director in ensuring new legislation relating to DCA's programs has been properly reviewed and analyzed for consistency with DCA's mission and goals regarding consumer protection and safety. This currently involves oversight of 40 Boards, Bureaus, Commissions, and Committees under the DCA's purview.

The CEA will assist with developing legislative recommendations for the Administration, drafting language, and working with Agency, the Governor's Office, the Legislature, staff, and stakeholders to successfully identify, draft, and implement new legislation. An example of specific legislation in which the CEA will play a vital role will be in the creation of the licensing and enforcement regulatory structure of the DCA's newest Bureau, the Bureau of Medical Cannabis Regulation. This policy area is particularly sensitive and it is critical that the DCA administer provisions of the Medical Marijuana Regulation and Safety Act in a manner consistent with its mandate of consumer protection while balancing both economic and health and safety interests of the State.

**C. ROLE IN POLICY INFLUENCE (continued)**

13. What is the CEA position's scope and nature of decision-making authority?

The CEA will have broad decision-making authority in the development, implementation, and evaluation of the DCA's legislative and regulatory direction pertaining to the DCA's overall mission, including responsibility to evaluate, advise, and provide assistance to the Director, Chief Deputy Director, and Deputy Director. The CEA will participate in meetings, hearings, or be involved in other activities related to issues concerning the DCA's programs and/or mission. The CEA will also have frequent contacts with the DCA Director and Chief Deputy Director, DCA Deputy Directors, the DCA Executive and Administrative staff, DCA Program Executives, the Governor's Office, the Legislature and their staff, Agency, and departmental management, licensees, and the public.

The CEA will function as a top administrative advisor to the Director, Chief Deputy Director, and Deputy Directors on issues relating to the Division. This position will be responsible for assisting the Deputy Director in implementing legislation through policy formulation and program development.

14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

The CEA will have policy influencing authority, as well as have a direct impact on the formulation of DCA legislative and regulatory policies, including all proposed and enacted legislation impacting the DCA. This includes any required regulatory changes as a result of new legislation or policy direction from the Governor's Office, Agency, or DCA Executive Office. The CEA will also provide advice, recommendations, and guidance to the DCA Executive Office and will work in conjunction with them and other outside state and local governments to accomplish the policy goals and objectives of the DCA.